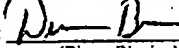


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 8, 2006 Signature: 
(Diane Blevins)

2006 DEC 12 PM 4:07

Docket No.: 613242000800
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Matthias WIESNER et al.

Application No.: 10/539,256

Confirmation No.: 2422

Filed: (Int'l) November 25, 2003

Art Unit: 1626

For: DERIVATIVES OF ASIMADOLINE WITH
COVALENTLY BONDED ACIDS

Examiner: S. Young

REQUEST FOR REFUND

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The within request is for a refund of one-half of the claim fees paid via an authorization to charge our deposit account on September 13, 2006 in the above identified application for \$25.00. The current owner is a small entity.

Attached please find a copy of the Fee Transmittal form printed from PAIR which authorized a \$50.00 withdrawal from the Deposit Account for 1 extra claim and is stamped by the USPTO on September 13, 2006.

As noted on the Fee Transmittal form, a claim for "Small Entity" status was not claimed. Applicant claimed large entity status at the time of filing the subject Response to Office Action. Therefore, the designated deposit account was charged \$50.00 for the 1 extra claim

sd-341012

instead of \$25.00. However, the current Assignee, Tioga Pharmaceuticals, Inc. is a small entity as reflected by the attached Verified Statement Claiming Small Entity Status. Please consider the within request, together with the attached Statement, as applicant/assignee's written assertion of entitlement to small entity status (see C.F.R. §1.27).

Applicant now requests in accordance with 37 C.F.R. § 1.28, a total refund of \$25.00 be made to **Deposit Account No. 03-1952, ref. Docket No. 613242000800** in that the current owner of the within application qualifies as a small business concern thereby qualifying it to claim small entity status and entitling it to reduced fees. Applicant's request has been timely asserted in accordance with C.F.R. §1.28(a).

Dated: December 8, 2006

Respectfully submitted,

By Elizabeth Cary Miller
Elizabeth Cary Miller

Registration No.: 54,708
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 314-7717

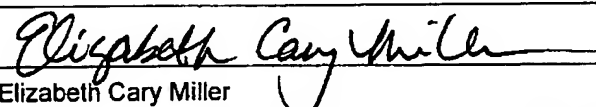
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/539,256
		Filing Date	(Int'l) November 25, 2003
		First Named Inventor	Matthias WIESNER
		Art Unit	1626
		Examiner Name	S. Young
Total Number of Pages in This Submission	5	Attorney Docket Number	613242000800

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Refund (4 pages) Return Receipt Postcard
Remarks <div style="text-align: center;">CUSTOMER NO. 25225</div>		

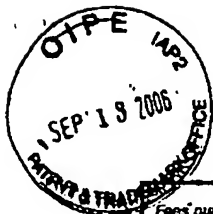
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Elizabeth Cary Miller		
Date	December 8, 2006	Reg. No.	54,708

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: MS 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 8, 2006

Signature:  (Diane Blevins)



PTO/SB/17 (01-06)
Approved for use through 7/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL For FY 2006		Complete If Known		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/539,256	
		Filing Date (Int'l)	November 25, 2003	
		First Named Inventor	Matthias WIESNER	
		Examiner Name	S. Young	
		Art Unit	1626	
TOTAL AMOUNT OF PAYMENT	(\$)	230.00	Attorney Docket No.	613242000800

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 03-1952
Deposit Account Name: Morrison & Foerster LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		Multiple Dependent Claims		
24	- 23 = 1	x 50.00	= 50.00		Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
1	- 3 =	x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
	- 100 =	/50	(round up to a whole number) x	=			
4. OTHER FEE(S)							Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement							180.00

SUBMITTED BY			
Signature	Elizabeth Cary Miller	Registration No. (Attorney/Agent)	54,708
Name (Print/Type)	Elizabeth Cary Miller	Telephone	(858) 314-7717
		Date	September 13, 2006

Applicant/Patentee: Matthias WIESNER et al.

Serial No./Patent No.: 10/539,256

Filed on/Issued: (Int'l) November 25, 2003

For: DERIVATIVES OF ASIMADOLINE WITH COVALENTLY BONDED ACIDS

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9 AND 1.27 — SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **Tioga Pharmaceuticals, Inc.**ADDRESS OF CONCERN: **9393 Towne Centre Drive, Suite 200, San Diego, California 92121**

I hereby declare that the above identified small business concern qualifies as a small business concern pursuant to 37 C.F.R. 1.27 and 13 C.F.R. § 121.802, for purposes of paying reduced fees to the United States Patent and Trademark Office, and the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **DERIVATIVES OF ASIMADOLINE WITH COVALENTLY BONDED ACIDS** by inventor(s) **Matthias WIESNER and Christoph SEYFRIED** described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention qualify for small entity status, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27, or a nonprofit organization under 37 C.F.R. § 1.27.

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

David Urso

TITLE OF PERSON IF OTHER THAN OWNER:

Chief Business Officer

ADDRESS OF PERSON SIGNING:

9393 Towne Centre Drive, Suite 200, San Diego, California 92121SIGNATURE: DATE: 12/3/06

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847895025 US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 13, 2006

Signature: 

(Diane Blevins)

Docket No.: 613242000800
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:
Matthias WIESNER et al.

Application No.: 10/539,256

Confirmation No.: 2422

Filed: (Int'l) November 25, 2003

Art Unit: 1626

For: ASIMADOLINE DERIVATIVES
COMPRISING COVALENTLY BONDED
ACIDS

Examiner: S. Young

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action dated June 13, 2006, for which a response is due on September 13, 2006. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

09/18/2006 RMEBRAHT 00000032 031952 10539256

02 FC:1202 50.00 DA
sd-327688

Adjustment date: 01/05/2007 ZJUHA1
09/18/2006 RMEBRAHT 00000032 031952 10539256
02 FC:1202 50.00 CR

01/05/2007 ZJUHA1 00000002 031952 10539256

01 FC:2202 25.00 DA